



# City of NORFOLK

C: Dir., Department of Planning and Community Development

To the Honorable Council  
City of Norfolk, Virginia

February 25, 2014

From: George M. Homewood, AICP CFM, Acting Planning Director

Subject: **Closure of an unimproved 10 foot lane, 160± feet in length south of Inlet Point Road**

Reviewed: Ronald H. Williams, Jr., Assistant City Manager *RH Williams* Ward/Superward: 5/6

Approved:

Marcus D. Jones, City Manager

Item Number:

PH-3

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends approval.
- III. **Request**  
Street Closure of a 10 foot Lane, 160± feet in length, east of lot 16A and south of Inlet Point Road.
- IV. **Applicant:** Mitchell T. Alberts
- V. **Description**
  - The property owners adjoining to the west wish to formally incorporate this unimproved right-of-way into an expanded yard.
  - No fees have been charged for this street closure since it creates no new buildable lots.

Staff point of contact: Jeffrey Raliski at 664-4766, [jeffrey.raliski@norfolk.gov](mailto:jeffrey.raliski@norfolk.gov)

Attachments:

- Staff Report to CPC dated January 23, 2014 with attachments
- Proponents and Opponents
- Ordinance



# City of NORFOLK

To The City Planning Commission  
City of Norfolk, Virginia

January 23, 2014


From: Jeffrey K. Raliski, AICP,  
Long Range Planning Manager

**Subject:** The closing, vacating and discontinuing of a 10' lane, 160'± in length, lying east of Lot 16 A and south of Inlet Point Road.

Reviewed: Leonard M. Newcomb, III,  
Land Use Services Manager

**Ward/Superward:** 5/6

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Approved:   
George M. Homewood, AICP,  
Acting Planning Director

**Item Number:** 9

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- I. **Recommendation:** Staff recommends approval.
  - II. **Applicant:** Mitchell T. Alberts
  - III. **Description:**  
This agenda item is to close a 10' lane, 160'± in length, lying east of Lot 16 A and south of Inlet Point Road.
  - IV. **Analysis**
    - The right-of-way to be closed is located in the Bayview neighborhood which is developed primarily with single family homes in this area.
    - The property owners adjoining to the west wish to formally incorporate this unimproved right-of-way into an expanded yard.
  - V. **Financial Impact**
    - No fees have been charged for this street closure since it creates no new buildable lots.
    - The addition of the right-of-way to the adjacent parcel should positively impact its value.
  - VI. **Environmental**  
Closure of this unimproved right-of-way will not create additional traffic in adjacent neighborhoods.

**VII. Community Outreach/Notification**

- Legal notice was posted on the property on December 17.
- Letter was mailed to the Bayview Civic League President on December 26.
- Notice was sent to the civic leagues by the Department of Communications on January 8.
- Letters were mailed to all property owners within 300 feet of the property on January 8.
- Legal notification was placed in *The Virginian-Pilot* on January 9 and 16.

**VIII. Coordination/Outreach**

This letter has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Location Map
- Zoning Map
- Legal Description
- Letter to the Civic League

**Proponents**

Mitchell T. Alberts  
2037 Inlet Point Road  
Norfolk, VA 23503

**Opponents**

None

mr11/12/13

Form and Correctness Approval:

By   
Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

By   
DEPT.

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**ORDINANCE No.**

AN ORDINANCE CLOSING, VACATING AND DISCONTINUING AN UNNAMED 10' LANE AT INLET POINT ROAD AND AUTHORIZING THE CONVEYANCE TO THE ABUTTING PROPERTY OWNERS OF ANY INTEREST THE CITY MAY HAVE IN THE UNDERLYING FEE OF SAID UNNAMED 10' LANE AT INLET POINT ROAD, CONTINGENT UPON THE SATISFACTION OF CERTAIN CONDITIONS.

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WHEREAS, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, the City Council has the authority to close, vacate and discontinue public rights of way; and

WHEREAS, the City of Norfolk has received an application from Mitchell T. Alberts for the closure of an unnamed 10' lane, 160' ± in length, lying east of Lot 16 A and south of Inlet Point Road, as more particularly described in Exhibit A and shown on Exhibit B, all of which are attached to and made a part of this ordinance; and

WHEREAS, after a public hearing, the City Planning Commission recommended that the said unnamed 10' lane at Inlet Point Road be closed, vacated and discontinued; and

WHEREAS, Mitchell T. Alberts and Virginia W. Alberts, the owners of the property that abuts the unnamed 10' lane to be closed, has agreed to the closure of the said portions of the



streets and desire to obtain the underlying fee of the portion of the unnamed 10' lane closed; and

WHEREAS, the Council finding that the closure is for a yard expansion and not for creation of an additional buildable lot, waives hereby payment for the City's interest in the underlying fee of the unnamed 10' lane; and

WHEREAS, the requirements of Section 15.2-2006 of the Code of Virginia, 1950, as amended, which relate to the vacation of public rights of way, have been met; and

WHEREAS, it is the judgment of the Council that the said unnamed 10' lane at Inlet Point Road is not needed for public use and travel and should be closed, vacated and discontinued, contingent upon the satisfaction of certain conditions hereinafter set forth; now therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the unnamed 10' lane, 160' ± in length, lying east of Lot 16 A and south of Inlet Point Road, as more particularly described in Exhibit A and shown in Exhibit B, attached hereto, is closed, vacated and discontinued as public streets of the City of Norfolk, contingent upon the satisfaction of each of the following conditions:

1. The Applicant shall verify the existence of any private utilities within the right of way to be closed and, if private utilities do exist, the Applicant shall ensure that an easement or easements satisfactory to the affected utility company or companies are provided or other satisfactory arrangements made.

2. The Applicant shall ensure that any utility of other easement required by the City is dedicated to the City in recordable form satisfactory to the City Attorney.

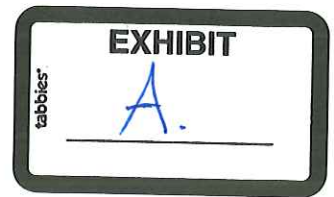
3. The Applicant shall pay to the City all costs associated with the publishing of the notice required by Section 15.2-2006 of the Code of Virginia, 1950, as amended.

Section 2:- That if the conditions set forth above have not been fully met within one year of the effective date of this ordinance, then this ordinance shall not be recorded and the closure of the unnamed 10' lane at Inlet Point Road described in Exhibit A shall be considered null and void without further action by City Council.

Section 3:- That if all the above conditions have been fully met within one year of the effective date of this ordinance, then this ordinance shall be recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, which recordation shall be an acknowledgement by the City that all conditions have been met, and upon such recordation, the unnamed 10' lane at Inlet Point Road described herein shall be deemed closed, vacated and discontinued as public streets of the City of Norfolk.

Section 4:- That it is the intent of the Council that any interest the City may have in the underlying fee of said unnamed 10' lane at Inlet Point Road shall transfer to the abutting property owner, Mitchell T. Alberts and Virginia W. Alberts, and the proper officers of the City are authorized to do all things necessary, including the delivery of a quitclaim deed, in form satisfactory to the City Attorney, to effect the transfer to Mitchell T. Alberts and Virginia W. Alberts of any interest the City may have in the underlying fee of the unnamed 10' lane at Inlet Point Road.

Section 5:- That this ordinance shall be in effect from and after thirty (30) days from the date of its adoption.



**Closure of a 10' Lane  
At Inlet Point Road  
For Council**

A rectangular-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being a 10' lane and being further described as follows: BEGINNING at a point that is the northeast corner of Lot 16 A, said lot being shown on a plat entitled, "Resubdivision of Lots 15 & 16, Revised Plat of Block 'D', Bayview No.2," said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, in Map Book 29 at Page 6; thence, from the point of beginning thus described, S 61°-51'-00" E, 10.00 feet, more or less, to a point on the eastern line of said 10' lane; thence, S 28°-09'-00" W, 160.00 feet, more or less, along said eastern line to a point; thence, N 61°-51'-00" W, 10.00 feet, more or less, to the southeastern corner of said Lot 16 A; thence, N 28°-09'-00" E, 160.00 feet, more or less, along the eastern line of Lot 16 A to the point of beginning, all as shown on an exhibit entitled, "Exhibit for Street Closure, Portion of 10' Lane, Resubdivision of Lots 15 & 16, Revised Plat of Block D, Bayview No, 2, Norfolk, Virginia," said exhibit being dated September 20, 2013 and being prepared by Ward Holmes, Land Surveyor, of Norfolk, Virginia..

The above-described parcel contains 0.037 acre of land, more or less.

*September 25, 2013*







**Location Map**

INLET POINT ROAD

MITCHELL T. ALBERTS

0 5 10 20 Feet





# Zoning Map

R-6

R-7

R-6

INLET POINT ROAD

R-6

MITCHELL T. ALBERTS

R-5

0 25 50 100 Feet



**Closure of a 10' Lane  
At Inlet Point Road  
For Advertisement**

A 10' lane, 160'± in length, lying east of Lot 16 A and south of Inlet Point Road.

**Closure of a 10' Lane  
At Inlet Point Road  
For Council**

A rectangular-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being a 10' lane and being further described as follows: BEGINNING at a point that is the northeast corner of Lot 16 A, said lot being shown on a plat entitled, "Resubdivision of Lots 15 & 16, Revised Plat of Block 'D', Bayview No.2," said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia, in Map Book 29 at Page 6; thence, from the point of beginning thus described, S 61°-51'-00" E, 10.00 feet, more or less, to a point on the eastern line of said 10' lane; thence, S 28°-09'-00" W, 160.00 feet, more or less, along said eastern line to a point; thence, N 61°-51'-00" W, 10.00 feet, more or less, to the southeastern corner of said Lot 16 A; thence, N 28°-09'-00" E, 160.00 feet, more or less, along the eastern line of Lot 16 A to the point of beginning, all as shown on an exhibit entitled, "Exhibit for Street Closure, Portion of 10' Lane, Resubdivision of Lots 15 & 16, Revised Plat of Block D, Bayview No, 2, Norfolk, Virginia," said exhibit being dated September 20, 2013 and being prepared by Ward Holmes, Land Surveyor, of Norfolk, Virginia..

The above-described parcel contains 0.037 acre of land, more or less.

*September 25, 2013*





*City of*  
**NORFOLK**

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December 26, 2013

Ms. Linda Lundquist  
President, Bayview Civic League  
9529 Chesapeake Street  
Norfolk, VA 23503

Dear Ms. Lundquist:

The Planning Department has received an application from Mitchell Alberts to close, vacate and discontinue an unnamed lane south of Inlet Point Road. This item is tentatively scheduled for the January 23, 2014 City Planning Commission public hearing.

If you would like additional information on the request, you may contact the applicant at (757)-587-6385 or Jeff Raliski in the Planning Department at (757) 664-4766. A copy of the complete application is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to be "G. Homewood", followed by a long horizontal line.

George M. Homewood, AICP, CFM  
Acting Planning Director